

03-29-2006 15:18

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In re PATENT APPLICATION of

Inventor(s) Soheil SHAMS

Group Art Unit: 2161

Appln. No. 10/761,938

Examiner: Abolfazl Tabatabai

series code | serial no.

Filed: 01/21/2004

Atty. Dkt. PM 016472-0311710

M#

TITLE: System and Method for
Automatically Processing
Microarrays

Date: March 29, 2006

Name or type of signed paper being transmitted:

1. Interview Summary
2. Terminal Disclaimer
3. Fee Transmittal
4. Supplemental Information Disclosure Statement with Form PTO-1449 and one reference

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Customer No.: 00909
Interview Summary

Application Serial No.: 10/761,938
Attorney Docket No. 016472-0311710

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Soheil SHAMS CONFIRMATION NO. : 2161
SERIAL NUMBER : 10/761,938 EXAMINER : Abolfazl Tabatabai
FILING DATE : January 21, 2004 ART UNIT : 2625
FOR : SYSTEM AND METHOD FOR AUTOMATICALLY PROCESSING
MICROARRAYS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

INTERVIEW SUMMARY

Applicants' representative, the undersigned, was contacted via telephone by Examiner Tabatabai on March 29, 2006 regarding the above-captioned application. During the teleconference, Examiner Tabatabai requested that the Applicants file a terminal disclaimer to overcome the pending non-statutory obviousness-type double patenting rejection of claim 76 in view of claim 1 of U.S. Patent No. 6,731,781. See Office Action mailed August 22, 2005, pg. 2. Examiner Tabatabai indicated that upon filing of the terminal disclaimer, all pending claims (1-76) would be allowed. Accordingly, a terminal disclaimer is being filed herewith.

While applicants disagree with the non-statutory obviousness-type double patenting rejection set forth by the Examiner, the terminal disclaimer is being filed herewith solely in an effort to expedite prosecution. Applicants further note that the filing of a terminal disclaimer to obviate a rejection based on non-statutory double patenting is not an admission of the propriety of the rejection. Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 USPQ2d (BNA) 1392 (Fed. Cir. 1991). The court indicated that the "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection."

Customer No.: 00909

Interview Summary

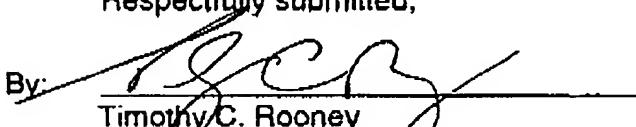
Application Serial No.: 10/761,938

Attorney Docket No. 016472-0311710

Date: March 29, 2006

Respectfully submitted,

By:


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